



## Comparing the EQUAL Act and the SMART Cocaine Sentencing Act

Background: In 1986, Congress passed the Anti-Drug Abuse Act, which created a disparity between federal penalties for crack cocaine and powder cocaine offenses. The law required the same harsh penalties for the possession of one amount of crack cocaine and 100 times that same amount of powder cocaine. Decades later, the Fair Sentencing Act of 2010 reduced that disparity from 100:1 to 18:1/ That reform was made retroactive with the 2018 First Step Act. Despite these reforms, people continue to face longer sentences for offenses involving crack cocaine than for offenses involving the same amount of powder cocaine. Two bills introduced in the Senate would address this unjust sentencing disparity, but with vastly different outcomes for our country.

The EQUAL (Eliminating a Quantifiably Unjust Application of the Law) Act (S.79)	The SMART(Start Making Adjustments and Require Transparency in) Cocaine Sentencing Act (S.4116)
<ul style="list-style-type: none"> <li>Introduced in the Senate on January 28, 2021 by Senator Cory Booker (D-NJ)</li> <li>Currently has 21 bipartisan cosponsors</li> <li>Supported by a broad coalition of law enforcement organizations, civil rights groups, taxpayer watchdogs, and criminal justice reform organizations.</li> </ul> <p><i>*In a 361-66 vote, the EQUAL Act passed in the House with bipartisan support on September 28, 2021*</i></p>	<ul style="list-style-type: none"> <li>Introduced in the Senate on April 28, 2022 by Senator Chuck Grassley (R-IA)</li> <li>Currently has 3 Republican cosponsors (Mike Lee (R-UT), Roger Wicker (R-MS), and Lindsey Graham (R-SC))</li> <li>Offered as a substitute bill to the EQUAL Act.</li> </ul>

Compare the impact of these two bills:

	Previous/Current Law	EQUAL Act (S.79)	SMART Cocaine Sentencing Act (S.4116)
<b>Sentencing Disparity</b> (Crack-to-powder ratio)	18-to-1 (2010 - now)  100-to-1 (1986-2010)	1-to-1	2.5-to-1
<b>Penalty Thresholds</b> (Quantities that trigger mandatory minimum sentencing)	<i>Under 21 U.S. Code § 841(b):</i> - <b>28g</b> of crack cocaine - <b>500g</b> of powder cocaine	28g → <b>500g</b> of crack 500g → <b>500g</b> of powder  <i>Eliminates the lower thresholds for crack cocaine offenses.</i>	28g → <b>160g</b> of crack 500g → <b>400g</b> of powder  <i>Reduces the number of people subject to mandatory minimums for crack cocaine while <b>increasing</b> the number subject to mandatory minimums for powder cocaine.</i>
<b>Retroactive?</b>	In 2018, the First Step Act made the Fair Sentencing Act’s 2010 sentencing reforms retroactive.	Yes.	No, unless the Attorney General “certified” to the court that the sentence should be reduced.

We call on the Senate to pass the EQUAL Act now.